

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

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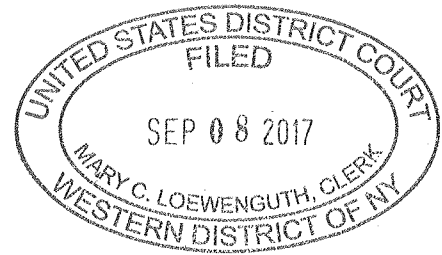
UNITED STATES OF AMERICA,

v.

GIOVANI HORNEA,

Defendant.

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17-CR-157

**INFORMATION**

(Title 18, United States Code, Section 1349)

**COUNT 1**

**The United States Attorney Charges That:**

1. Between on or about October 4, 2015, and on or about November 14, 2015, in the Western District of New York, and elsewhere, the defendant, GIOVANI HORNEA, did knowingly, willfully and unlawfully combine, conspire and agree with Nicolae Sarbu, and others, known and unknown, to execute a scheme and artifice to defraud Bank of America, a financial institution, the deposits of which were insured by the Federal Deposit Insurance Corporation, and to obtain moneys and funds owned by and under the custody and control of such financial institution by means of false and fraudulent pretenses, representations and promises, in violation of Title 18, United States Code, Section 1344.

2. It was part of the scheme and artifice that the defendant, GIOVANI HORNEA, and Nicolae Sarbu, and others, known and unknown, devised a scheme and artifice to defraud Bank of America, using skimming devices and cameras at automated teller machines (ATMs) whereby bank account information and personal identification numbers (PINs) were recorded

without the true account holder's knowledge or authorization and thereafter used to make unauthorized withdrawals of cash from ATMs. A skimmer was a device used to unlawfully record bank account information from a customer's debit card when the card was inserted into an ATM.

3. It was further part of the scheme and artifice that the defendant, GIOVANI HORNEA, Nicolae Sarbu, and others known and unknown, placed, and caused the placement of, and removed, and caused the removal of, skimming devices and cameras from Bank of America ATMs thereby unlawfully obtaining customers' bank account information and PINs maintained by Bank of America as set forth below:

Date Skimmer Installed	Date Skimmer Removed	Skimmer Location	Loss
10/4/15	10/4/15	1263 Military Road Niagara Falls, NY	\$40,409.06
10/4/15	10/4/15	1188 Niagara Falls Blvd. Tonawanda, NY	\$5,165.00
10/10/15	10/11/15	4049 Seneca Street West Seneca, NY	\$52,154.38
10/10/15 10/11/15	10/11/15 10/11/15	3842 Harlem Road Cheektowaga, NY	\$36,331.12
10/24/15	10/25/15	3333 W. Henrietta Road Rochester, NY	\$13,820.00
11/14/15	11/14/15	1107 Butztown Road Bethlehem, PA	\$8,386.74
		Total	\$156,266.30

4. It was further part of the scheme and artifice that the defendant, GIOVANI HORNEA, Nicolae Sarbu, and others known and unknown, extracted bank account information obtained by the skimmers and thereafter encoded the unlawfully obtained bank account information onto magnetic strips on blank plastic cards and gift cards.

5. It was further part of the scheme and artifice that the defendant, GIOVANI HORNEA, Nicolae Sarbu, and others known and unknown, viewed the video recordings obtained from the cameras which had been installed at the bank ATMs referenced above and obtained the PINs associated with the compromised accounts.

6. It was further part of the scheme and artifice that the defendant, GIOVANI HORNEA, Nicolae Sarbu, and others known and unknown, after having unlawfully obtained bank account information and the associated PINs, used the encoded cards and PINs at various ATMs in the Western District of New York and elsewhere to unlawfully withdraw cash from the compromised accounts.

**All in violation of Title 18, United States Code, Section 1349.**

DATED: Buffalo, New York, September 8, 2017.

JAMES P. KENNEDY, JR.  
Acting United States Attorney

BY:



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